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AUG 19 2004

## FAX COVER SHEET

**To:** United States Patent and Trademark Office  
**Date:** August 19, 2004  
**Organization:**  
**Fax:** 7038729306  
**Phone:**  
**From:** Frank Catalano  
**Subject:** U.S. Patent Application Serial No. 09/768969  
**Pages:** 5 including cover  
**Comments:** Attached find petition to Withdraw Holding of Abandonment.

{344552;} If you have any questions about this fax, please contact Marcia Snow.

HARD COPY ☐ WILL ☒ WILL NOT BE MAILED.

### CONFIDENTIALITY NOTICE

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Application No.: 09/768,969  
Response dated: 08/19/2004  
Reply to Notice dated: 07/29/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAVID W. GORDON )  
SERIAL NO.: 09/768,969 )  
FILED: 01/24/2001 )  
FOR: THERMAL FOOT COVER )  
DOCKET NO.: 006398.4 )  
ART UNIT: 3728 )

EXAMINING ATTORNEY: Patterson

Via Facsimile 7038729306

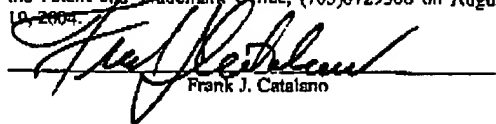
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Notice of Abandonment of this application, dated 07/29/2004, was received at the office of applicant's attorney, the undersigned, Frank J. Catalano, on August 13, 2004. Mr. Catalano was in Annapolis, MD at the time and first saw the Notice of Abandonment on August 17, 2004 when he returned from Annapolis. He noted that the Notice of Abandonment was addressed to his previous address.

The original Notice of Allowability was never received by the undersigned. A search of the firm file and docket records confirms that the Notice of Allowability was not received. A copy of the firm's docket record where the non-received Notice of Allowability would have been entered had it been received and docketed is attached.

I hereby certify that this document and any document referred to as being attached herein is being facsimile transmitted to the Patent and Trademark Office, (703)8729306 on August 19, 2004.

  
Frank J. Catalano

{387241;}

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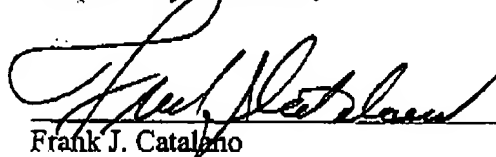
A further review of the firm's above file shows that a Change of Address (copy enclosed) was mailed to the USPTO on November 18, 2003. The undersigned attorney contacted the U.S. Patent and Trademark Office on August 17, 2004 and was advised by a USPTO representative, Larry Schwartz, that the Patent Office system shows the receipt of the Change of Address but the change was never entered in the system.

In view of the above, it is respectfully requested that the Notice of Abandonment be withdrawn and the Notice of Allowability and other papers associated therewith be remailed with a new date for payment of the Issue Fee. It is also requested that the Change of Address be entered in the Patent Office system and that the file be associated with Customer No. 07303.

It is believed that there is no charge involved with regard to this Petition, however, the Commissioner is authorized to charge Deposit Account No. 50-1971.

Early and favorable action is respectfully requested.

Respectfully submitted,

 8/19/04  
Date

Frank J. Catalano  
Registration No. 25,836  
PTO Customer No. 07303  
GABLE & GOTWALS  
100 West 5th St., 10th Floor  
Tulsa, OK 74103  
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IP Pro - Matter Summary Report

006398 - ArcticShield

PA: 00004 - USPAAPP: Thermal Foot Cover

Thermal Foot Cover

Country	Serial Number	File Date	Application Status	Registration Number	Registration Date	Registration Status
US	09768969	24 Jan 2001	Pending			

Gordon

Action Due:

24 Jan 2004	Application	Term Adjustment Possible - Prosecution Length
13 Jun 2004	Prosecution	Term Adjustment Possible - Amendment Response
13 Aug 2004	Prosecution	Office Action Status Check
24 Aug 2004	Application	Petition to Withdraw Holding of Abandonment
29 Sep 2004	Prosecution	Petition to Withdraw Holding of Abandonment
18 Nov 2003	Response to Decision on Appeal mailed via first class mail along with Attorney address change on 17 NOV 2003.	
29 Dec 2003	Application is a continuation of USSN 09235267 - 01/22/1999 [USPN 6185845]; no non-publication request was filed at time of filing.	
30 Jan 2004	Receive Notice stating a revised Amendment is necessary and will become due 15 FEB 2004 (non-extendable deadline); note in docket.	
03 Mar 2004	Receive postcard for Modification of filing a Continuation Application; filed on 12 FEB 2004.	
04 Mar 2004	See Claims 32-42 have not been entered; place to monitor deposit account for \$387 credit to make sure client is credited once monies are received.	
16 Aug 2004	Notice of Abandonment received from USPTO; mail date 07/29/04; informing application has been abandoned due to failure to timely pay issue fee and publication fee.	

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17 Aug 2004

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Practitioner's Docket No. 006398.00004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 19 2004

Applicant: Dave W. Gordon  
Serial No.: 09/768,979  
For: Thermal Foot Cover  
Filed: 01/24/2001  
Group No. 3728  
Examiner: Patterson, Marie D.

COPY

Commissioner for Patents, P. O. Box 1450  
Alexandria, VA 22313-1450

CHANGE OF ATTORNEY'S ADDRESS IN APPLICATION

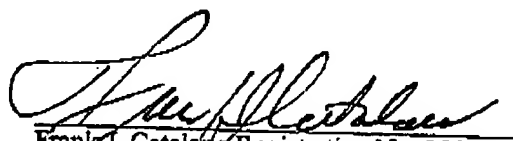
Please send all correspondence for this application as follows:

FRANK J. CATALANO  
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Customer No. 07303

Please direct telephone calls to:

918-595-4963

Date: 11/17/03

  
Frank J. Catalano, Registration No. 25836  
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Customer No. 07303

(344362:)

CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. Section 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

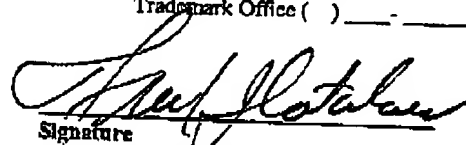
MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: 11/17/03

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office ( )

  
Signature  
FRANK J. CATALANO  
(type or print name of person certifying)

(Change of Attorney's Address in Application--page 1 of 1)